

Fiscal Note

Fiscal Services Division



HF 398 – Interference with Official Acts (LSB 2205HV)

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Fiscal Note Version – New

Requested by Representatives Ako Abdul-Samad, Deborah Berry, Ruth Ann Gaines

Description

House File 398 changes the focus of the crime of interference with official acts from injuries inflicted by the defendant to injuries sustained by the official.

Background

Correctional and Fiscal Information

1. Current law provides for a graduated system of penalties for interference with official acts, ranging from a simple misdemeanor to a Class C felony depending on circumstances of the crime.
2. According to the Justice Data Warehouse, in FY 2011 there were 6 charges for Class D felony interference with official acts involving injury that resulted in convictions not-as-charged (usually for a lesser offense). During FY 2011, there were 58 charges for aggravated misdemeanor interference with official acts involving injury that resulted in convictions not-as-charged.
3. Offenders convicted of a simple misdemeanor offense are not supervised in Iowa's corrections system. They usually are sentenced to a financial penalty or community service, or some combination thereof.
4. For Class D offenders convicted of interference with official acts, 20.0% are sentenced to prison and 80.0% are sentenced to probation. Of those sentenced to probation, 40.0% are sentenced to a Community-Based Corrections (CBC) residential facility.
5. For aggravated misdemeanants convicted of interference with official acts, 9.9% are sentenced to prison, and 45.0% are sentenced to probation. Of those sentenced to probation, 1.1% are sentenced to a CBC residential facility. Approximately 48.9% are sentenced to jail for an average length of stay of 28 days.
6. The average length of stay in prison for Class D felons is 20.6 months. The average length of stay on parole upon release from prison is 13.7 months. The average length of stay in prison for aggravated misdemeanants is 9 months. The average length of stay on parole upon release from prison is 5.3 months. The marginal cost per day is \$15.59 for prison. The average cost per day for parole is \$3.49.
7. The average length of stay on probation for Class D felons is 30.8 months. The average length of stay on probation for aggravated misdemeanants is 18.1 months. The average cost per day for probation is \$3.49.
8. The average length of stay for offenders sentenced to a CBC facility is 5.6 months with an average daily cost of \$11.50 (local income is 93.9% of this cost). Generally, these offenders are released to probation supervision.

9. The current waiting list for CBC residential facilities is approximately 800 offenders. This number includes offenders waiting in the State prison system, parole, probation, county jails, or the federal prison system.
10. The State prison population consisted of 8,459 offenders on February 21, 2012. This is 117.3% of capacity.
11. The cost for indigent defense of one simple misdemeanor case is \$300. The cost for an aggravated misdemeanor or Class D felony case is \$1,200.
12. The average cost for the Judicial Branch for one simple misdemeanor case is \$27, depending on whether a magistrate or District Associate Judge hears the case. The average cost per case for an aggravated misdemeanor is \$205 for a bench trial. The average cost per case for a Class D felony is \$417 for a bench trial.

Minority Data Information

1. The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2010 (the most current estimates available). Men comprise 49.3% of the population. Approximately 92.3% of Iowa's population is white. The composition of the remaining 7.7% is: 2.5% black, 0.4% American Indian or Alaska Native; 1.5% Asian, 0.1% Hawaiian or Other Pacific Islander, 1.8% is of two or more races; and 1.4% unknown.
2. Iowa's prison population consisted of 8,778 offenders on June 30, 2011. Men comprised 92.2% of the population. According to the Criminal and Juvenile Justice Planning Division of the Department of Human Rights, the racial composition of the prison system was: 64.7% white; 25.9% black; 0.8% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. A total of 6.7% of Iowa's prison population identified themselves as Hispanic (nearly all of these identified themselves racially as being white).
3. According to the Department of Corrections, 74.8% of offenders on CBC supervision on June 30, 2011, were men. Approximately 78.2% of these offenders are white; 14.4% are black; 4.9% are Hispanic or Latino; 1.0% are American Indian or Alaska Natives; 1.0% are Asian or Pacific Islander; and 0.5% were of unknown race.
4. There were a total of 2,693 offenders convicted in FY 2011 of interference with official acts. Convictions were as follows: 2,253 simple misdemeanors, 11 serious misdemeanors, 151 aggravated misdemeanors, and eight Class D felonies. The table below shows FY 2011 convictions for interference with official acts by offense class and ethnicity.

FY 2011 Convictions for Interference With Official Acts

Offense Class	Percent White	Percent Black	Percent Hispanic	Percent Native American	Percent Asian	Percent Other
Simple Misd.	63.5%	28.5%	4.9%	1.1%	0.7%	1.3%
Serious Misd.	72.7%	27.3%	0.0%	0.0%	0.0%	0.0%
Agg. Misd.	56.3%	37.1%	3.3%	0.7%	0.0%	2.6%
Class D Felony	37.5%	25.0%	12.5%	25.0%	0.0%	0.0%
Total Convictions	63.1%	29.0%	4.8%	1.1%	0.6%	1.4%

Assumptions

Correctional and Fiscal Information

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
3. The law will become effective July 1, 2012. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.
4. Under the Bill's provisions, more charges will result in convicted-as-charged. Approximately half of the convictions currently being convicted not-as-charged will be convicted-as-charged under the Bill.
5. Half of the offenders convicted are indigent.
6. These will be bench trials.
7. There will be an increase in county jail sentences for aggravated misdemeanor convictions.
8. Marginal costs for county jails cannot be determined due to a lack of data. For the purpose of this analysis, the marginal cost for county jails is \$15.00 per day.

Minority Data Information

1. The impact on minorities will remain consistent with FY 2011 convictions. A significant percentage of offenders convicted in FY 2011 of interference with official acts were minorities.
2. Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

It is estimated that there will be 29 offenders annually convicted of an aggravated misdemeanor and three offenders annually convicted of a Class D felony under this Bill that are convicted of a simple misdemeanor under current law. On an annual basis, these offenders will be sentenced as follows: four to State prison (one Class D felon and three aggravated misdemeanants), one Class D felon to a CBC residential facility then released to probation supervision, 17 (one Class D felon and 16 aggravated misdemeanants) to probation supervision, and 14 aggravated misdemeanants to jail.

There will be two offenders admitted to prison in FY 2013, and four annually thereafter. The prison population will increase by two offenders in FY 2013, four offenders in FY 2013, and five offenders annually thereafter. The population increases by more than the number of admissions because the average length of stay in prison generally exceeds one year.

On an annual basis there will be one additional admission to a CBC residential facility. The offender will be released to probation upon successful completion of the residential program. Note there are currently offenders waiting to enter CBC residential facilities.

There will be 17 offenders sentenced to probation supervision annually. The probation population will increase by seven offenders in FY 2013, 17 offenders in FY 2014, 18 offenders

in FY 2015, and 19 offenders annually thereafter. The population increases by more than the number of admissions because the average length of stay on probation supervision generally exceeds one year.

There will be seven offenders sentenced to county jails in FY 2013. There will be 14 offenders sentenced to jail annually thereafter. The average length of stay is 28 days so the county jail populations are not anticipated to significantly increase.

Minority Impact

It is anticipated this Bill will have a disproportionate impact on minorities because approximately 36.5% of offenders convicted under the Bill's provisions may be minorities. Under current law, these simple misdemeanor offenders are not supervised in the corrections system. This Bill shifts simple misdemeanor convictions to aggravated misdemeanor or Class D felony convictions. There will be an increase in the number of minority offenders supervised in the corrections system.

Fiscal Impact

The fiscal impact is estimated to be an increased cost to the State General Fund of \$20,600 in FY 2013 and \$76,600 in FY 2014. The table below shows the impact by areas within the State criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the corrections system exceeds one fiscal year.

State General Fund Fiscal Impact

	FY 2013	FY 2014
Court System	\$3,100	\$6,300
Indigent Defense	7,200	14,000
Prison	5,700	25,600
CBC	4,600	30,700
Total	<u>\$20,600</u>	<u>\$76,600</u>

The CBC District Departments will incur an additional \$1,800 in local funding costs annually for the operation of the CBC residential facilities.

The impact on county budgets for jail operations is expected to be \$5,900 annually (\$15.00 per day x 28 days x 14 offenders).

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Judicial Branch

/s/ Holly M. Lyons

February 28, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
